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general wrong to society itself—a violation of those fundamental principles of mutual trust and confidence which lie at the very foundation of all organized society, and which are necessary in the very nature of things to hold society together."

CRIMES—MANSLAUGHTER AS RESULT OF AN ACT *MALUM PROHIBITUM* ONLY.—Defendant, apparently through failure of service brake, lost control over the speed of his automobile on a steep down-grade. In passing a street car letting off passengers at the foot of the grade, defendant's automobile, then traveling at an estimated speed of 35 to 40 miles per hour, struck and killed deceased. Defendant was convicted of involuntary manslaughter and appealed. The judgment on the counts based on the commission of an unlawful act was reversed because of the unconstitutionality of certain statutes and a defect in the indictment, and it was *held* reversible error for the judge to omit to charge the jury, without request, the law relating to the crime of involuntary manslaughter in the commission of a lawful act without due caution. *McDonald v. State* (Ga., 1921), 109 S. E. 656.

The general rule is that the unlawful act must be *malum in se*, and not merely *malum prohibitum*, in order to sustain a conviction for involuntary manslaughter. 21 Cyc. 765; *Com. v. Adams*, 114 Mass. 323; *State v. Horton*, 139 N. C. 588. Convictions for manslaughter based upon violations of laws regulating speed and establishing traffic rules are, however, becoming increasingly common, and this class of cases may be said to form a now well-recognized exception. *State v. Rountree*, 181 N. C. 535; *State v. McIvor* (Del., 1920), 111 Atl. 616; *Madding v. State*, 118 Ark. 506; *People v. Camberis*, 297 Ill. 455. "It is, however, practically agreed, without regard to this distinction, that if the act is a violation of a statute intended and designed to prevent injury to the person, and is in itself dangerous and death ensues, that the person violating the statute is guilty of manslaughter at least, and under certain circumstances of murder." *State v. McIver*, 175 N. C. 761. Where the defendant is not exceeding the speed limit, or that fact is in doubt, it is generally held that, to be criminally liable, he must have been guilty of gross or wanton negligence. *People v. Adams*, 289 Ill. 339; *State v. Long*, 30 Del. 397, which was the proximate cause of the death. *Dunville v. State*, 188 Ind. 373. As suggested in *State v. McIver*, *supra*, the basis for the recognition of this exception is public policy, in view of the constant danger to travelers on the highways from the ever increasing automobile traffic. It is to be noted that the facts in the instant case are unusual, and if the jury should find the defendant not guilty under instructions as to the crime of involuntary manslaughter in the commission of a lawful act without due caution, it is doubtful if he could properly be convicted under the other counts.

EQUITY—CANCELLATION BECAUSE OF MISTAKE.—The defendant, who was the owner of the majority of the stock in the Banker's Trust Company, entered into a contract to sell his holdings to the plaintiff. Subsequently